IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1638 of 2006

SMT.SONA DEVI
V/S
STATE & ORS

Mr. MAHESH SHARMA for Mr. AK SINGH, for the appellant / petitioner

Date of Order : 19.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

By this writ petition, the petitioner seeks a direction to release pension, and other retiral benefits along with interest.

The case of the petitioner is that her husband was appointed as a driver on work charged basis on 22.11.1966, and was made semi permanent, then while in service he expired on 30.5.1978. Death certificate is produced as Annexure-2. On these factual basis it is alleged that the pension was claimed but no payment has been made. The petitioner has also referred to the order of the Government Annexure-6 dt. 3.7.1979. Then, has also relied upon the order Annexure-7 dt. 20.9.1995 regarding grant of selection scale etc. to all the work charged employees who have completed ten years of service.

I have considered the submissions, and have gone through the above orders of the State Government.

So far Annexure-7 is concerned, this is dated 20.9.1995 whereby such work charge employees who have completed ten years of service were decided to be regularised since 1.4.1994. In the present case, since the petitioner's husband had died way back in 1978, no benefit of this order Annexure-7 is available to the petitioner.

So far Annexure-6 is concerned, this is in two parts, first being that the Government had decided to convert the work charge posts in regular ones in respect of work charge employees who had completed ten years of service as on 31.3.1976, and were also continuing in service on 1.3.1979. In the present case, neither the petitioner's husband had completed ten years of service on 31.3.1976 as he was appointed on 22.11.1966, nor he was continuing in service on 1.3.1979 as he had already expired on 30.5.1978. Then, the other part of the order is that the State Government had further decided that in regard to remaining 530 work charged posts working in the different organisation mentioned therein as per the schedule appended thereto, the sanction of the Government for conversion of these posts into regular ones was conveyed for the present. But then, this order was also to take effect from 1.3.1979.

Obviously, since as on 1.3.1979, or even as on date of passing of this order, the petitioner's husband was not in service, and this order does not contemplate to confer benefits on any such person who had expired or were not in service as on 1.3.1979, and therefore, this part of Annexure-6 also does not help the petitioner.

So far R.S.R. is concerned, in view of provisions of Rule 2(g) of the R.S.R., it is not applicable to the work charged employees. Learned counsel for the petitioner has not been able to point out any provision from the Work Charge Rules wherein the benefits claimed in the writ petition may be available to the petitioner.

Thus, taken from any stand point, I do not find any force in the writ petition. The same is, therefore, dismissed.

(N P GUPTA),J.

/Sushil/